

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID BROOKS,

Petitioner,

-against-

KEYSER,

Respondent.

20-CV-3642 (KMK)

20-CV-3403 (KMK)

ORDER

KENNETH M. KARAS, United States District Judge:

Petitioner David Brooks seeks immediate release from custody because of the COVID-19 pandemic. Because Petitioner filed a prior § 2254 petition raising the same claim, *see Brooks v. Keyser*, No. 20-CV-3403, the Court accepted this new action (No. 20-CV-3642) as related.

Having examined this petition under 28 U.S.C. § 2254, the Court hereby ORDERS that:

The Court liberally construes this new petition as an amended petition in the 20-CV-3403 matter. *See Ching v. United States*, 298 F.3d 174, 175 (2d Cir. 2002); *Littlejohn v. Artuz*, 271 F.3d 360, 363 (2d Cir. 2001) (per curiam); *see also* 28 U.S.C. § 2242 (providing that a *habeas corpus* petition “may be amended or supplemented as provided in the rules of procedure applicable to civil actions”).

The Clerk of Court shall file the petition in 20-CV-3642 as an amended petition in the 20-CV-3403 matter, and administratively close the 20-CV-3642 matter. A copy of this order shall be filed in both actions.

The Court's prior order in the 20-CV-3403 matter (which directed Petitioner to (1) submit a filing fee or IFP application, and (2) explain how he has exhausted his state remedies, or why that exhaustion requirement should be excused here) remains in effect.

SO ORDERED.

Dated: May 15, 2020
White Plains, New York

A handwritten signature in black ink, appearing to read 'K. Karas', is written over a horizontal line.

KENNETH M. KARAS
United States District Judge